

08-27-01

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PATENT

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Attorney Docket P5009R1

08/23/01
Jc893 U.S. PTO

CERTIFICATION UNDER 37 CFR 1.10

EL 895 375 422 US: Express Mail Number August 23, 2001: Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

Teri Renshaw
Teri Renshaw

Jc996 U.S. PTO
09/938418
08/23/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION
Assistant Commissioner of Patents
Washington, D.C. 20231

NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Avi J. Ashkenazi, San Mateo, CA
Audrey Goddard, San Francisco, CA
Paul Godowski, Burlingame, CA
Austin L. Gurney, Belmont, CA
Paul Polakis, Burlingame, CA
P. Mickey Williams, Half Moon Bay, CA
William I. Wood, Hillsborough, CA
Thomas D. Wu, San Francisco, CA
Zemin Zhang, Foster City, CA

Title: COMPOSITIONS AND METHODS FOR THE DIAGNOSIS AND TREATMENT OF TUMOR

1. Type of Application

- [] This application is for an original, non-provisional application.
- [] This is a non-provisional application claiming priority to provisional application no. __, filed __, the entire disclosure of which is hereby incorporated by reference.
- [X] This is a [] continuation-in-part [X] continuation [] divisional application claiming priority to application Serial Numbers: 60/081,071 filed April 7, 1998; 60/085,697 filed May 15, 1998; 60/097,022 filed August 18, 1998; 60/101,922 filed September 24, 1998; 60/103,679 filed October 8, 1998; PCT/US99/05028 filed March 8, 1999; PCT/US99/12252 filed June 2, 1999; PCT/US99/20111 filed September 1, 1999; PCT/US99/28565 filed December 2, 1999; PCT/US00/04342 filed February 18, 2000; PCT/US00/04341 filed February 18, 2000; PCT/US00/05841 filed March 2, 2000; PCT/US00/08439 filed March 30, 2000; PCT/US00/14042 filed May 22, 2000; PCT/US00/23328 filed August 24, 2000; PCT/US00/32678 filed December 1, 2000; PCT/US01/06520 filed February 28, 2001;

PCT/US01/17800 filed June 1, 2001; PCT/US01/19692 filed June 20, 2001; PCT/US01/21066 filed June 29, 2001; PCT/US01/21735 filed July 9, 2001, the entire disclosure of which is hereby incorporated by reference.

2. **Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Non-provisional)**

111 pages of specification
2 pages of claims
1 page(s) of abstract
10 sheet(s) of drawings
☒ formal ☐ informal

3. **Declaration or Oath**

(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)
X An executed declaration of the inventor(s) ☒ is enclosed (unsigned) ☐ will follow.

(for Cont./Div. where inventorship is the same or inventor(s) being deleted)
 ___ A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

(for Cont./Div. where inventor(s) being deleted)
 ___ A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

4. **Assignment**

(for new and CIP applications)
X An Assignment of the invention to GENENTECH, INC. ☐ is enclosed with attached Recordation Form Cover Sheet ☒ will follow.

(for cont./div.)
 ___ The prior application is assigned of record to Genentech, Inc.

5. **Amendments (for continuation and divisional applications)**

___ Cancel in this application original claims __ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

___ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119

 X Amend the specification by inserting before the first line the sentence:

--This is a continuation of applications

 X International Application serial numbers: PCT/US99/05028 filed March 8, 1999; PCT/US99/12252 filed June 2, 1999; PCT/US99/20111 filed September 1, 1999; PCT/US99/28565 filed December 2, 1999; PCT/US00/04342 filed February 18, 2000; PCT/US00/04341 filed February 18, 2000; PCT/US00/05841 filed March 2, 2000; PCT/US00/08439 filed March 30, 2000; PCT/US00/14042 filed May 22, 2000; PCT/US00/23328 filed August 24, 2000; PCT/US00/32678 filed December 1, 2000; PCT/US01/06520 filed February 28, 2001; PCT/US01/17800 filed June 1, 2001; PCT/US01/19692 filed June 20, 2001; PCT/US01/21066 filed June 29, 2001; PCT/US01/21735 filed July 9, 2001, which designated the U.S., which applications are incorporated herein by reference and to which applications priority is claimed under 35 USC §120 and

 X provisional application numbers: 60/081,071 filed April 7, 1998; 60/085,697 filed May 15, 1998; 60/097,022 filed August 18, 1998; 60/101,922 filed September 24, 1998; 60/103,679 filed October 8, 1998, the entire disclosure of which is hereby incorporated by reference and to which applications priority is claimed under 35 USC §119.--

6. Fee Calculation (37 CFR 1.16)

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$710.00
Total Claims	15	- 20 =	0	X \$18.00	\$0.00
Independent Claims	1	- 3 =	0	X \$80.00	\$0.00
Multiple dependent claim(s), if any				+ \$270.00	\$0.00
Filing Fee Calculation					\$710.00

7. Method of Payment of Fees

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$710.00. **A duplicate copy of this transmittal is enclosed.**

8. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

9. **Additional Papers Enclosed**

- ☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
☒ Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
☐ A new Power of Attorney or authorization of agent.
☒ Other: Post card.

10. **Maintenance of Copendency of Prior Application** (for continuation and divisional applications)

*[This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

- _____ A petition, fee and/or response has been filed to extend the term in the pending prior application until
_____ A copy of the petition for extension of time in the **prior** application is attached.

11. **Correspondence Address:**

X Address all future communications to:

Attn: Mark T. Kresnak, Ph.D.

Respectfully submitted,
GENENTECH, INC.

By: _____

Mark T. Kresnak, Ph.D.
Reg. No. 42,767
Telephone No. (650) 225-4461

Date: August 23, 2001



09157

PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Avi Ashkenazi, et al. Serial No.: Filed herewith Filed: Filed herewith For: <i>Compositions and Methods for the Diagnosis and Treatment of Tumor</i>	Group Art Unit: Unknown Examiner: Unknown Express Mail No. EL 895 375 422 US Filed: August 23, 2001
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CERTIFICATE RE: SEQUENCE LISTING

RESPONSE UNDER 37 CFR § 1.821(f) and (g)

Box: Patent Application
Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

I hereby state that the Sequence Listing submitted herewith is submitted in paper copy and a computer-readable diskette, and that the information recorded in computer readable form is identical to the written sequence listing. I further state that this submission includes no new matter.

Respectfully submitted,

GENENTECH, INC.

Date: August 23, 2001

By: 

Mark T. Kresnak, Ph.D.

Reg. No. 42,767

Telephone No. (650) 225-4461



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PATENT TRADEMARK OFFICE